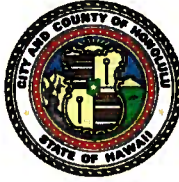


ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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MAYOR



CHARLES W. TOTTO
EXECUTIVE DIRECTOR & LEGAL COUNSEL

MEMORANDUM

DATE: October 1, 2014

TO: SPECIFIED CITY OFFICERS AND EMPLOYEES

FROM: CHARLES W. TOTTO, *Charles W. Totto*
EXECUTIVE DIRECTOR AND LEGAL COUNSEL

RE: NEW 2015 FINANCIAL DISCLOSURE FILING REQUIREMENTS FAQS

The Honolulu Ethics Commission ("Commission") now requires all City officers and employees who are required to file Financial Disclosure forms with the Commission to use the EForm that is available through the City's Intranet. But, Board and Commission members may continue to use the pdf form that is available on our website as the intranet is only available to city employees.

Below, we address frequently asked questions about the Financial Disclosure form.

1. When do I need to file this form by?

There are three general circumstances in which you must file a financial disclosure Eform:

- **Initial.** This Eform must be filed within 20 working days of entering into City office or employment.
- **Annual.** Annual Financial Disclosure Eforms must be filed by **January 31**, of each year. This Eform should contain information about your finances for the preceding calendar year. (Example: A financial disclosure form that is due on January 31, 2015 will contain information about calendar year 2014 finances).
- **Leaving Office.** This Eform must be filed at least ten working days prior to leaving office or an employment with the City.

2. Why do certain City officers and employees have to file a Financial Disclosure Form?

As an employee of the City, you are a public servant who has an obligation to perform your official City duties in the best interests of the public. Serving the best interests of the public requires anticipating and preventing conflicts of interest from occurring. Disclosure provides awareness of potential conflicts on an annual basis. Awareness also protects you by regularly reminding you about your possible conflicts, and to deal responsibly with your conflicts.

If you have a conflict of interest, you are also required by law to file a Disclosure of Conflict of Interest. This form is available on the Commission's website at: http://www.honolulu.gov/rep/site/ethics/ethics_docs/em2.pdf. If you have a question about whether you have a conflict of interest contact the Commission for confidential advice.

3. Are there any changes incorporated into the new Financial Disclosure Eform?

The main change is the additional requirement of certifying that you have reviewed in full the Ethics Checklist Refresher ("Refresher"). The Refresher is a two-page document that provides the major requirements under the ethics laws. The Refresher is available on the Eform site under "Documentation" and on our website at: www.honolulu.gov/ethics under the menu item "Guidelines."

4. Where should I file my form; at the City Clerk's Office or the Honolulu Ethics Commission?

The financial disclosure statements of the following persons shall be filed with the **City Clerk** and are **public record**. These disclosures may be opened for inspection by the public during office hours of the City Clerk:

- All candidates for elective office
- All elected officers
- The directors of the city agencies (as defined by RCH Sec. 13-101.1) and their first deputies.

If you are one of the individuals listed above, STOP and do NOT use the EForm. **You must use the form provided by the City Clerk.**

All other financial disclosure statements required to be filed under this section shall be confidential and shall be filed with the Ethics Commission using the EForm., ROH Sec. 3-8.4(e).

5. Who has access to my EForm?

Your EForm is confidential and will only be disclosed to Commission members and Commission staff.

6. How do I access the Financial Disclosure EForm?

Instructions:

- Go to City FYI, the city's intranet site.
- Under the heading "Forms" click on "Eforms Application for Leave of Absence." This will take you to the Electronic Forms site.
- Under the heading "Request," click on "Submit a Request."
- Under "Category," click on "ETH Forms" and "ETH – Financial Disclosure."
- Documentation including: Instructions and an Ethics Checklist Refresher are provided for your reference.

7. I am an Executive Branch Employee, do I need to file a Financial Disclosure EForm?

Generally, if you are a full-time exempt Executive Branch Employee (as defined in RCH Sec. 6-1103 with the exception of (e) – (h)) and NOT on a personal services contract, you are required to file a Financial Disclosure form. Further, all division chiefs are required to file a Financial Disclosure form.

8. My actual title is not "Division Chief," do I still need to file a Financial Disclosure EForm?

Yes, all Division Chiefs are required to file regardless if assigned to an officially formalized division or not (e.g. organizational unit that the position is responsible for does not need to have the word "division" in its title.) "Program Heads" who report directly to the Department Director/Deputy Director are considered "division heads" for the purposes of the financial disclosure law.

9. I am a Legislative Branch Employee, do I need to file a Financial Disclosure EForm?

Generally, if you are a full-time exempt Legislative Branch Employee (as defined by RCH Sec. 6-1104 and regardless of whether you are on a personal service contract) you need to file a Financial Disclosure EForm.

10. What could happen if I do not timely file a Financial Disclosure Form?

You may be subject to a civil fine of \$100 for the first late filing; \$200 for the second late filing; and thereafter for each additional late filing, the fine imposed for the

previous late filing plus \$200. In addition to these civil fines, you may be subject to disciplinary action and a criminal penalty of a fine of not more than \$2,000 or of imprisonment for not more than one year, or both.

Please be advised that this memo only provides general guidance and does not constitute legal advice. If you believe that you have received this memo in error or have any other questions, please do not hesitate to contact the Honolulu Ethics Commission at (808)768-7787.

CWT/LAW